

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN E. ANDRUS MEMORIAL, INC. (d/b/a ANDRUS
ON HUDSON),

Plaintiff,

-against-

RICHARD F. DAINES, as Commissioner of the New York
State Department of Health,

Defendant.
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2007 Civ. 3432 (CLB)(MDF)

NOTICE OF MOTION

C O U N S E L:

PLEASE TAKE NOTICE that, upon the annexed Affidavit of Betsy Biddle, sworn to on April 10, 2008, together with the exhibits annexed thereto, and upon the accompanying Memorandum of Law dated April 11, 2008, and upon all prior papers filed and proceedings had herein, plaintiff John E. Andrus Memorial, Inc. will make a motion before this Court, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on April 25, 2008 for an order pursuant to Federal Rule of Civil Procedure 65 to prevent the defendant from taking any further steps to implement the recommendation made by the Commission on Health Care Facilities in the 21st Century to close the Andrus' nursing facility, or otherwise seek

the surrender of the Andrus' operating certificate pending the final determination of this action, and granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
April 11, 2008

CADWALADER, WICKERSHAM & TAFT LLP

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